

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Crescenzi et al.

Serial No.: 10/540,449

Art Unit:  
1624

Docket No.: ITR0046YP

Filed: June 22, 2005

Examiner:  
Moore, Susanna

For: TETRAHYDRO-4H-PYRIDO[1,2-a]PYRIMIDINES AND  
RELATED COMPOUNDS USEFUL AS HIV  
INTEGRASE INHIBITORS

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

*By John R. Hobbs* Date 03-12-2008

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)

Sir:

This is a request for reconsideration of the patent term adjustment (PTA) indicated in the Notice of Allowance mailed January 23, 2008. This application is being submitted with the payment of the issue fee.

The Commissioner is authorized to charge the fee set forth in § 1.18(e) to Deposit Account No. 13-2755.

According to 37 CFR 1.702(a)(1), the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 in an international application. The requirements under section 371 for this international application were fulfilled on June 22, 2005. A first office action was mailed on March 16, 2007, which constitutes 206 days of Patent Office delay under 37 CFR 1.703(a); i.e., the number of days from August 22, 2006 (14 months from filing) to March 16, 2007.

There were no circumstances constituting a failure of Applicants to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 CFR 1.704. Accordingly the correct PTA as of today is PTO Delay – Applicant Delay = 206 – 0 = 206 days.

The PTA determination of the Patent Office (copy enclosed) lists 206 days of Patent Office delay but incorrectly also lists 29 days of Applicant delay. Accordingly, the Patent Office PTA determination as of today is PTO Delay – Applicant Delay = 206 – 29 = 177 days. The determination of 29 days of Applicant delay is incorrect. According to the transaction history on Public PAIR (copy enclosed) an office action was mailed to Applicants on July 3, 2007. Applicants did not receive this mailing. The transaction history shows that a Notice of Restarted Response Period was mailed on August 3, 2007. Applicants received this mailing which was the office action. Applicants timely filed a complete response to this office action on November 2, 2007.

The Patent Office PTA determination of 29 days of Applicant delay is based upon the July 3, 2007 mailing of the office action which was not received by Applicants and which was superseded by the office action mailed August 3, 2007. The Image File Wrapper on Public PAIR (copy enclosed) shows that the July 3<sup>rd</sup> mailing of the office action was returned to the Patent Office as undelivered on July 11, 2007. There was no error in the correspondence address (copy of cover pages of the July 3<sup>rd</sup> and August 3<sup>rd</sup> mailings of the office action enclosed), so it is not clear why the action was returned by the Post Office as undeliverable. In any event, there was no delay due to Applicants.

It is further noted that the patent that issues from the subject application will not be subject to a terminal disclaimer.

Accordingly, it is requested that the PTA determination for this application as of today be changed to 206 days.

Respectfully submitted,  
By: Kenneth R. Walton  
Kenneth R. Walton, Reg. No. 32,951  
Attorney for Applicants  
MERCK & CO., Inc.  
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Rahway, New Jersey 07065-0907  
Tel.: (732) 594-3462

Date: March 12, 2008



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SUBSTITUTED PYRIMIDO[1,2-A]AZEPINES USEFUL AS HIV INTEGRASE INHIBITORS

P

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Application Data

Transaction History

Image File Wrapper

Patent Term Adjustments

Continuity Data

Foreign Priority

Published Documents

Address &amp; Documents/Attorney/Agent

## Patent Term Adjustment

Filing or 371(c) Date:	06-22-2005	USPTO Delay (PTO) Delay (days):	206
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	29
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	177
USPTO Adjustment (days):	+0	Explanation Of Calculations	<a href="#">i</a>

## Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
01-23-2008	Mail Notice of Allowance		
01-23-2008	Document Verification		
01-23-2008	Notice of Allowance Data Verification Completed		
01-23-2008	Case Docketed to Examiner in GAU		
01-22-2008	Examiner's Amendment Communication		
11-17-2007	Date Forwarded to Examiner		
11-01-2007	Response after Non-Final Action		29
08-03-2007	Mail Notice of Restarted Response Period		<a href="#">↑</a>
08-01-2007	Letter Restarting Period for Response (i.e. Letter re: References)		<a href="#">↑</a>
07-03-2007	Mail Non-Final Rejection		<a href="#">↑</a>
06-25-2007	Non-Final Rejection		
04-12-2007	Information Disclosure Statement considered		
04-24-2006	Information Disclosure Statement considered		
04-12-2007	Reference capture on IDS		
04-12-2007	Information Disclosure Statement (IDS) Filed		
04-12-2007	Information Disclosure Statement (IDS) Filed		
04-26-2007	Date Forwarded to Examiner		
04-12-2007	Response to Election / Restriction Filed		
03-16-2007	Mail Restriction Requirement	206	
03-14-2007	Requirement for Restriction / Election		<a href="#">↑</a>
06-19-2006	Case Docketed to Examiner in GAU		<a href="#">↑</a>
04-24-2006	Reference capture on IDS		<a href="#">↑</a>
04-24-2006	Information Disclosure Statement (IDS) Filed		<a href="#">↑</a>
04-24-2006	Information Disclosure Statement (IDS) Filed		<a href="#">↑</a>
06-22-2005	Preliminary Amendment		<a href="#">↑</a>



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Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Foreign Priority	Published Documents
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## Transaction History

Date	Transaction Description
01-23-2008	Mail Examiner's Amendment
01-23-2008	Mail Notice of Allowance
01-23-2008	Document Verification
01-23-2008	Notice of Allowance Data Verification Completed
01-23-2008	Case Docketed to Examiner in GAU
01-22-2008	Examiner's Amendment Communication
11-17-2007	Date Forwarded to Examiner
11-01-2007	Response after Non-Final Action
08-03-2007	Mail Notice of Restarted Response Period
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04-12-2007	Information Disclosure Statement (IDS) Filed
04-26-2007	Date Forwarded to Examiner
04-12-2007	Response to Election / Restriction Filed
03-16-2007	Mail Restriction Requirement
03-14-2007	Requirement for Restriction / Election
06-19-2006	Case Docketed to Examiner in GAU
04-24-2006	Reference capture on IDS
04-24-2006	Information Disclosure Statement (IDS) Filed
04-24-2006	Information Disclosure Statement (IDS) Filed
06-22-2005	Preliminary Amendment
02-09-2006	IFW TSS Processing by Tech Center Complete
02-09-2006	Case Docketed to Examiner in GAU
11-21-2005	Cleared by OIPE CSR
11-21-2005	Cleared by OIPE CSR
06-27-2005	371 Completion Date
10-25-2005	Application Dispatched from OIPE
10-25-2005	Notice of DO/EO Acceptance Mailed
06-22-2005	Initial Exam Team nn



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This application is officially maintained in electronic form. To View: Click the desired Document(s) and click Start Download.			
Available Documents			
Mail Room Date	Document Description	Page Count	
01-23-2008	Notice of Allowance and Fees Due (PTOL-85)	4	<input type="checkbox"/> Select All <input type="checkbox"/> Star
01-23-2008	Notice of Allowance and Fees Due (PTOL-85)	2	<input type="checkbox"/> Select All <input type="checkbox"/> Star
01-23-2008	Search information including classification, databases and other search related notes	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
01-23-2008	Issue Information including classification, examiner, name, claim, renumbering, etc.	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
01-23-2008	Index of Claims	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
01-23-2008	Bibliographic Data Sheet	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
01-23-2008	Examiner's search strategy and results	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
01-23-2008	Examiner's search strategy and results	13	<input type="checkbox"/> Select All <input type="checkbox"/> Star
11-02-2007	Amendment - After Non-Final Rejection	2	<input type="checkbox"/> Select All <input type="checkbox"/> Star
11-02-2007	Specification	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
11-02-2007	Claims	23	<input type="checkbox"/> Select All <input type="checkbox"/> Star
11-02-2007	Applicant Arguments/Remarks Made in an Amendment	8	<input type="checkbox"/> Select All <input type="checkbox"/> Star
11-01-2007	Fee Worksheet (PTO-06)	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 08-03-2007	Non-Final Rejection	9	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 08-03-2007	List of References cited by applicant and considered by examiner	4	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 08-03-2007	Index of Claims	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 07-11-2007	Mail returned to USPTO as undelivered	14	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 07-03-2007	Non-Final Rejection	9	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 07-03-2007	List of References cited by applicant and considered by examiner	4	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 07-03-2007	Search information including classification, databases and other search related notes	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star
⇒ 07-03-2007	Index of Claims	1	<input type="checkbox"/> Select All <input type="checkbox"/> Star



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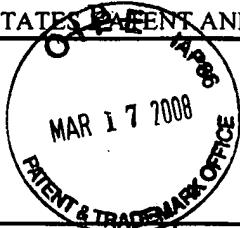
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,449	06/22/2005	Benedetta Crescenzi	ITR0046YP	1421
210	7590	07/03/2007	EXAMINER	
MERCK AND CO., INC			MOORE, SUSANNA	
P O BOX 2000			ART UNIT	PAPER NUMBER
RAHWAY, NJ 07065-0907			1624	
MAIL DATE		DELIVERY MODE		
07/03/2007		PAPER		

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10/540,449	06/22/2005	Benedetta Crescenzi	ITR0046YP	1421
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